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Attorneys for Plaintiff NETTA GRUTMAN

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

NETTA GRUTMAN,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, et al.,

Defendants.

CASE NO. 10-02347 JCS

**STIPULATION AND [PROPOSED] ORDER  
ON CROSS-MOTIONS FOR PARTIAL  
SUMMARY JUDGMENT REGARDING  
STATUTORY DAMAGES UNDER UNRUH  
CIVIL RIGHTS ACT**

**STIPULATION**

IT IS HEREBY STIPULTED BETWEEN PLAINTIFF NETTA GRUTMAN AND DEFENDANTS, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, TODD MCGREGOR AND JAMES JACOBS, THROUGH THEIR RESPECTIVE COUNSEL, AS FOLLOWS:

WHEREAS, Plaintiff has included in her Complaint, at her fourth claim for relief, an allegation that defendants violated the Unruh Civil Rights Act, California Civil Code sections 51 *et seq.* (UCRA), including the allegation that Plaintiff is minimally entitled to “\$4,000 for each incident of deterrence” in violation of the UCRA;

WHEREAS, Plaintiff contends that, under the UCRA, she is entitled to said minimal recovery for each and every instance in which she can demonstrate that she was denied legally required equal access to the subject premises and Defendants contend that such recovery is not, as a matter of law, available;

WHEREAS, the parties agree that the disposition of this issue as a matter of partial summary judgment under Federal Rule of Civil Procedure 56(a), (b) will aid the litigants and the Court in the efficient adjudication of this matter;

WHEREAS, the parties agree that the summary disposition of this issue shall be without prejudice to the parties’ rights to seek further relief in this case under the provisions of Federal Rule of Civil Procedure 56, specifically including a subsequent motion for summary judgment and/or partial summary judgment; and

WHEREAS, the parties have agreed to the following briefing schedule: (1) opening briefs shall be filed on/before April 22, 2011; and (2) response briefs shall be filed on/before May 6, 2011. The parties propose that the matter be heard on May 27, 2011 at 9:30 a.m.

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1 IT IS SO AGREED.

2 Dated: April 1, 2011

GORDON & REES LLP

3  
4 By: /S/ \_\_\_\_\_  
MICHAEL D. BRUNO  
5 JEROME SCHREIBSTEIN  
6 Attorneys for Defendant THE REGENTS  
OF THE UNIVERSITY OF CALIFORNIA,  
7 TODD MCGREGOR and JAMES JACOBS

8 Dated: April 1, 2011

GERSTEN LAW GROUP

9  
10 By: /S/ \_\_\_\_\_  
EHUD GERSTEN  
11 Attorneys for Plaintiff  
12 NETTA GRUTMAN

13 Dated: April 1, 2011

14 By: /S/ \_\_\_\_\_  
15 DAVID A. STEVENS  
16 Attorneys for Plaintiff  
17 NETTA GRUTMAN

18 **ORDER**

19 BASED ON THE FOREGOING AND GOOD CAUSE OTHERWISE APPEARING, the  
20 Court Orders that, with respect to the parties' cross-motions for partial summary judgment on the  
21 issue of available minimum statutory damages under the California Unruh Civil Rights Act, Cal.  
Civ. Code § *et seq.*, (1) ~~opening briefs shall be filed on~~ <sup>Motions shall be filed on or</sup> before April 22, 2011; and (2) ~~response~~ <sup>Opposition</sup>  
22 ~~briefs shall be filed on/before May 6, 2011.~~ <sup>Reply briefs shall be filed on/before May 13, 2011.</sup>  
23 ~~The matter shall be heard on May 27, 2011 at 9:30~~  
~~a.m.~~ Hearing on the cross-motions will be set by the Court after completion of briefing.

24  
25 IT IS SO ORDERED.

26 Dated: April 5, 2011

27 By: \_\_\_\_\_  
28 Hon. Judge  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
IT IS SO ORDERED  
AS MODIFIED  
Judge Joseph C. Spero